

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

**FILED**

FEB 13 2019

Clerk, U.S. District Court  
District Of Montana  
Missoula

ESTATE OF RICHARD DAVID  
RAMIREZ, by and through Personal  
Representative Julio Ramirez;  
RICHARD JORDAN RAMIREZ, by  
and through Conservator Julio  
Ramirez; and JULIO RAMIREZ;

CV 17-52-BLG-DWM

ORDER

Plaintiffs,

vs.

CITY OF BILLINGS, a municipal  
corporation of the State of Montana;  
OFFICER GRANT MORRISON;  
CHIEF RICH ST. JOHN; JOHN DOES  
1-10; and CORPORATIONS A-J;

Defendants.

Before the Court are Plaintiffs' Third and Fourth Motions in Limine (Docs. 78, 82), the City of Billings and Chief St. John's Motions in Limine 1-5 (Doc. 84) and Motion in Limine to Exclude Opinions of Plaintiffs' Expert Ernie Burwell (Doc. 86), and Officer Grant Morrison's Motion in Limine (Doc. 80).

IT IS ORDERED that Plaintiffs' Third Motion in Limine (Doc. 78) to exclude evidence of Julie Ramirez's criminal history is GRANTED.

IT IS FURTHER ORDERED that Plaintiffs' Fourth Motion in Limine (Doc. 82) to exclude evidence of Julie Ramirez's social media posts is DENIED subject

to renewal with the proper objection at trial. However, social media posts referencing the coroner's inquest verdict or that Morrison was not internally disciplined are excluded per the Court's January 31, 2019 Order. (Doc. 94.)

IT IS FURTHER ORDERED that the City and St. John's Motions in Limine 1-5 (Doc. 84) are GRANTED in part and DENIED in part as follows:

1. The motion to exclude evidence of a "code of silence" is GRANTED with respect to evidence that defense counsel is involved in a code of silence and that a code of silence exists among police officers generally. The motion is DENIED subject to renewal with the proper objection at trial to the extent it seeks to exclude evidence of a code of silence at the Los Angeles County Sheriff's Department or the Billings Police Department.
2. The motion to exclude evidence of Defendants' liability coverage is GRANTED.
3. The motion to exclude evidence of settlement negotiations is GRANTED.
4. The motion to exclude "Golden Rule" arguments is GRANTED.
5. The motion to exclude witnesses or evidence not disclosed in discovery is DENIED subject to renewal with the proper objection at trial.

IT IS FURTHER ORDERED that the City and St. John's Motion in Limine to Exclude Opinions of Plaintiffs' Expert Ernie Burwell (Doc. 86) is GRANTED in part and DENIED in part as follows:

1. To the extent the motion seeks to preclude Burwell from testifying about a "code of silence," the motion is GRANTED in part and DENIED in part subject to renewal with the proper objection at trial, consistent with the above ruling on the City and St. John's Motion in Limine 1.
2. The motion is GRANTED with respect to Burwell's opinion that Morrison acted "unreasonably" or that Morrison's conduct was "unreasonable." However, Burwell may testify that Morrison's use of force was "excessive."
3. In all other respects, the motion is DENIED subject to renewal with the proper objection at trial.

IT IS FURTHER ORDERED that Morrison's Motion in Limine (Doc. 80) is GRANTED in part and DENIED in part as follows:

1. The motion to exclude evidence of the Hubman incident is DENIED subject to renewal with the proper objection at trial.
2. The motion to exclude Burwell's opinions regarding Morrison's prior use of force reports is DENIED subject to renewal with the proper objection at trial.

3. The motion to exclude Burwell's opinions regarding the Jason Shaw incident is DENIED subject to renewal with the proper objection at trial.
4. The motion to exclude all prior incidents, complaints, investigations, or lawsuits involving Morrison is DENIED subject to renewal with the proper objection at trial.
5. The motion to exclude Burwell's opinions regarding Morrison's use of a taser is DENIED subject to renewal with the proper objection at trial.
6. The motion to exclude Burwell's opinions regarding the license plate light on the vehicle in which Ramirez was riding is GRANTED.
7. The motion to exclude any loss of consortium, society and comfort, and emotional distress of the Ramirez siblings is GRANTED.
8. The motion to exclude evidence of unrelated police shootings and civilian protests is GRANTED, subject to reconsideration if Defendants open the door.

DATED this 13<sup>th</sup> day of February, 2019.



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Donald W. Molloy, District Judge  
United States District Court